

STATE PERSONNEL BOARD CALENDAR



MARCH 23, 2004

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: March 12, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the March 23, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on March 23, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the March 23, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
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March 12, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH BOARD MEETING AGENDA**

MARCH 23, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL

2. REPORT OF THE EXECUTIVE OFFICER

Report of Laura Aguilera
Interim Executive Officer
State Personnel Board

3. REPORT OF THE CHIEF COUNSEL

4. NEW BUSINESS

(Items may be raised by Board Members for
scheduling and discussion at future meet-
ings.)

5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting
upon request - contact Secretariat at (916) 653-0429, or CALNET
453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following
Internet address: <http://www.spb.ca.gov/calendar.htm>

CLOSED SESSION OF THE STATE PERSONNEL BOARD

9:30

6. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matters submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself.
[Government Code Sections 11126 (d), and 18653 (2).]
7. PENDING LITIGATION
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e) (1), 18653.]

State Personnel Board v. Department of Personnel Administration, et al.,
International Union of Operating Engineers (IUOE)- Sacramento Superior Court Case No. 01CS00109, Third District Court of Appeal Case No. C040263, California Supreme Court Case No. S119498. [SPB's Challenge to Units 11, 12, and 13 Memorandum of Understanding (MOU) and Bureau of Adjustment's (BOA) provisions.]

Association of California State Attorneys and Administrative Law Judges (ACSA), et al. v. Department of Personnel Administration, et al., California Department of Forestry - Sacramento Superior Court Case No. 99CS00260, Third District Court of Appeal Case No. C034943, California Supreme Court Case No. S119498. [ACSA's Challenge to Unit 8 MOU BOA provisions (SPB is not a party but is participating actively as amicus curiae).]

International Union of Operating Engineers
v. State (State Personnel Board), Public
Employee Relations Board (PERB) Case No. SA-
CE-1295-S. Unfair Practice Case No. SA-CE-
1295-S.

State Personnel Board v Department of
Personnel Administration, et al., California
State Employees Association (Post and
Promote) Sacramento Superior Court Case No.
02CS00787, Third District Court of Appeal
Case No. C042437, California Supreme Court
Case No. S122058.

8. RECOMMENDATIONS TO THE LEGISLATURE
Deliberations on recommendations to the
Legislature. [Government Code Section 18653.]
9. RECOMMENDATIONS TO THE GOVERNOR
Deliberations on recommendations to the
Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF APRIL 6, 2004

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF MARCH 9, 2004
12. ACTION ON SUBMITTED ITEMS
(See Agenda Page 19)
These items have been taken under submission
by the State Personnel Board at a prior
meeting and may be before the Board for a
vote at this meeting. This list does not
include evidentiary cases, as those cases
are listed separately by category on this
agenda under Evidentiary Cases.

13. EVIDENTIARY CASES

The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A

Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections

TIMOTHY BOBITT, CASE NO. 02-2856

Appeal from suspension
Senior Special Agent in Charge
Department of Justice at Sacramento

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination
Fish and Game Warden
Department of Fish and Game

RANDALL DODSON, Case No. 03-1587

Appeal from non-punitive termination
Caltrans Equipment Operator I
Department of Transportation

FRANK GARCIA, CASE NO. 03-1906

Appeal from Dismissal
Caltrans Highway Maintenance Worker
Department of Transportation

CYNTHIA GEORGE, CASE NO. 03-2494

Appeal from suspension
Administrative Law Judge I
Unemployment Insurance Appeals Board

THEODORE HUGHING, CASE NO. 03-0354
Appeal from Medical Termination
Food Service Supervisor I
Department of Developmental Services

MAMIE JONES, CASE NO. 02-4441
Appeal from ten-percent reduction
in salary for five months
Dispatcher Clerk with the
Department of Transportation

B. CASES PENDING

- Oral Arguments
These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

MAUREEN ALVAREZ, CASE NO. 02-3571
Appeal from dismissal
Drafting Services Aid
Department of Transportation

ANDREA BLOUNT, CASE NO. 03-1980
Appeal from dismissal
Food Service Technician II
Department of Mental Health

HARMEET BRAR, CASE NO. 02-3640
Appeal from dismissal
Senior Psychiatric
Technician (Safety)
Department of Mental Health

JOHN CARTIER, CASE NO. 03-1588
Appeal from dismissal
Correctional Officer,
High Desert State Prison,
Susanville
Department of Corrections

RICHARD LEWIS COLLINS, CASE NO. 02-2306
Appeal from dismissal
Assistant Safety Engineer
Department of Industrial Relations

KENNETH CROWLEY, CASE NO. 01-1264
Appeal from dismissal
Correctional Officer
California State Prison - Solano
Department of Corrections

RONALD GALI, CASE NO. 03-0462
Appeal from dismissal

Native American Spiritual Leader
Folsom State Prison - Represa
Department of Corrections

MARTINEZ GEIGER, CASE NO. 03-2949
Appeal from five-percent reduction
in salary for six-months
Parole Agent I
Department of Corrections

DARLENE HARRIS, CASE NO. 02-3763
Appeal from discrimination/denial
of reasonable accommodation
Senior Laboratory Assistant
Department of Health Services

BEECHER LEVERSEE, CASE NO 03-1161E
Appeal from discrimination
complaint
Disaster Assistance Program
Specialist II
Office of Emergency Services

ASTRID LOGAN, CASE NO. 03-2317
Appeal from ten-days suspension
Administrative Analyst Specialist
California State University -
Northridge

MICHAEL LYMAN, CASE NO. 03-0559
Appeal from rejection during
probationary period
Fish and Game Warden
Department of Fish and Game

TIMOTHY MAPP, CASE NO. 02-2155
Appeal from dismissal
Correctional Officer
Richard J. Donovan Correctional
Facility - San Diego
Department of Corrections

CARLOS A. MORALES, CASE NO. 03-3706
Appeal from two-step reduction in
salary for twelve-months
Exhibit Designer-Installer
California Science Center

ESTEBAN MORALES, CASE NO. 03-2813
Appeal from two-step reduction in
salary for six-months and
reassignment to another shift
Psychiatric Technician
Department of Developmental
Services

DENNIS O'BOSKEY, CASE NO. 03-3585
Appeal from dismissal
Psychiatric Technician
Department of Developmental
Services

MASOOD M. OMAR, CASE NO. 03-3577
Appeal from five-percent reduction
in salary for five-months
Transportation Engineer (Civil)
Department of Transportation

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction
in salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections

TIMOTHY REMALEY, CASE NO. 03-1492
Appeal from dismissal
Correctional Officer
Mule Creek State Prison - Ione
Department of Corrections

MICHAEL ROPPOLO, CASE NO. 03-1642
Appeal from ten-percent reduction
in salary
for twelve-months
Correctional Officer
Chuckawalla State Prison - Blythe
Department of Corrections

HOWARD SANDERS, CASE NOS. 03-0691 &
03-02319
Appeal from five-working-days
suspension and
Thirty-working-days suspension
respectively
Operating systems analyst
California State University-San
Jose

GABRIELLE VASQUEZ, CASE NO. 03-3587
Appeal from two-step reduction in
salary for twelve-months
Food Services Technician I
Department of Developmental
Services

RICHARD WISLER, CASE NO. 03-2827
Appeal from five-percent reduction
in salary for ten-months
Transportation Engineering
Technician
Department of Transportation

- Proposed Decisions Taken Under
Submission At Prior Meeting
These are ALJ proposed decisions
taken under submission at a prior
Board meeting, for lack of majority
vote or other reason.

- Proposed Decisions After Board
Remand

NONE

- Proposed Decisions After SPB
Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By
The Board
The Board will vote to grant or
deny a petition for rehearing filed
by one or both parties, regarding a
case already decided by the Board.

EARL WALLAT CASE NO. 03-2733P
Appeal from rejection during
probation
Fire Fighter II (Paramedic)
Department of Forestry and Fire
Protection

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANDREW CIRNER, CASE NO. 03-2241E
Appeal from denial of request for reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health

ROSIE L. DASHIELL, CASE NO. 03-2279
Appeal from dismissal
Public Safety Dispatcher I
California Highway Patrol

RAYMOND ERNANDEZ, CASE NO. 01-4251
Appeal from five-percent reduction in salary for six months
Correctional Officer
California Institution for Men - Chino
Department of Corrections

KEVIN FRAZIER, CASE NO. 03-0736
Appeal from a one-step reduction in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections

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SHANNON FROEMING, CASE
NO.03-2871E

Appeal from denial of request for
reasonable accommodation
Employment Program Representative
Employment Development Department

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion Staff Services
Manager I to the position of Associate
Health Program Advisor (top step)
Department of Health Services

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution -
Tehachapi
Department of Corrections

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five-percent-reduction
in salary for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections at Imperial

DONNA MARTINEZ, CASE NO. 03-2232
Appeal from dismissal
Material & Stores Supervisor I
Central California Women's Facility,
Department of Corrections

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility -
Corcoran
Department of Corrections

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections

NANCY SEARS, CASE NO. 02-2444
Appeal from two-step reduction in
salary for 12 months and transfer/
reassignment
Parole Agent I (Adult Parole)
Department of Corrections - Sacramento

ELANGO VAN SITTRAMBARAM, CASE NO. 03-2401
Appeal from suspension for six-months
Student Administration Technical
Programmer/Analyst
California State University - Long Beach

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 22)

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

DANIEL ACUNA, CASE NO. 03-0595
Youth Correctional Counselor
California Youth Authority

JERRY GRONDZIAK, CASE NO. 02-4367
Correctional Officer
Department of Corrections

MICHAEL MCGRAIL, CASE NO. 03-1743
Correctional Officer
Department of Corrections

KYLE NEWSOME, CASE NO. 03-1600
Cadet, CHP
California Highway Patrol

KENNETH ROWAN, CASE NO. 03-1961
Correctional Officer
Department of Corrections

JEFFREY SAECHAO, CASE NO. 03-1208
Correctional Officer
Department of Corrections

NICOLA SARGENTI, CASE NO. 03-1220
Correctional Officer
Department of Corrections

CHRISTOPHER SWANBERG, CASE NO. 03-1221
Correctional Officer
Department of Corrections

DAVID THOROLD, CASE NO. 03-1214
Correctional Officer
Department of Corrections

EUGENE WARFIELD, CASE NO. 03-1896
Correctional Officer
Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES - NONE
PETITIONS FOR REHEARING CASES

Investigated by Appeals Division staff.
The Board will be presented
recommendations by Appeals Division staff
for final decision on each request.

(PFR Case)

TERRILL GRANT, CASE NO. 02-3809P
Correctional Officer
Department of Corrections

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff,
but no hearing was held. It is
anticipated that the Board will act on
these proposals without a hearing.

IRENE ALMENDAREZ, CASE NO. 04-0227
Medical Technical Assistant - CF
Department of Corrections

SEAN CASTRO, CASE NO. 04-0226
Correctional Officer
Department of Corrections

DAVID NELSON, CASE NO. 03-3820
Correctional Officer
Department of Corrections

RYAN STOVER, CASE NO. 04-0225
Cadet, CHP
California Highway Patrol

16. NON-HEARING CALENDAR

The following proposals are made to the State
Personnel Board by either the Board staff or
Department of Personnel Administration staff.

It is anticipated that the Board will act on
these proposals without a hearing.

Anyone with concerns or opposition to any of
these proposals should submit a written
notice to the Executive Officer clearly
stating the nature of the concern or opposi-
tion. Such notice should explain how the

issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

- A. The Department of Personnel Administration on behalf of the Department of Forestry and Fire Protection proposes to revise the Minimum Qualifications for the class specification Division Chief, California State Fire Marshal's Office, by deleting the experience requirement of supervisory or lead duties from the MQs to enhance and widen the recruitment.

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

DEPUTY DIRECTOR, ADMINISTRATION

The California Science Center proposes to allocate the above position to the CEA category. The Deputy Director, Administration's responsibilities include formulating and implementing the Science Center's administrative services, programs, policies and procedures.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

PROJECT DIRECTOR, SYSTEMS INTEGRATION
DIVISION

The California Health and Human Services Data Center's request to establish the above to the CEA category has been approved for a period of two years, effective February 27, 2004.

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

4. PSC NO. 03-04
Appeal of the California Department of Education and McGeorge School of Law from the Executive Officer's April 30, 2003, disapproval of a contract for special education mediation conferences and due process hearings. (Hearing held October 7, 2003).

ACTION: On March 9, 2004, adopted Board decision to overrule the Executive Officer's April 30, 2003, contract disapproval and approve the contract for special education mediation conferences and due process hearings.

VOTE: Alvarado, Sheehan, Tom - Aye
Elkins and Harrigan dissented.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

★ ★ ★ ★ ★

**CALIFORNIA STATE PERSONNEL BOARD**

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

Cal. 3/23/04

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills in which you may have an interest. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry Hicks'.

Sherry Hicks
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD CALENDAR MARCH 23, 2004

(Cal. 3/23/04)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT: Staff Calendar Items for Board Information
Staff has approved the following:

The staff has evaluated and recommends the following action
be taken:

PAGE

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| A. | The Department of Personnel Administration on behalf of the Department of Forestry and Fire Protection, proposes to revise the Minimum Qualifications for the class specification Division Chief, California State Fire Marshal's Office, by deleting the experience requirement of supervisory or lead duties from the MQs to enhance and widen the recruitment. | 501 |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

State of California

501

MEMORANDUM

TO: Jennifer Roche
State Personnel Board

DATE: February 11, 2004

FROM: Sandy Woolverton, Staff Personnel Program Analyst
Department of Personnel Administration
Classification and Compensation Division

REVIEWED BY: Josie Fernandez, Personnel Program Manager
Department of Personnel Administration
Classification and Compensation Division

SUBJECT: Staff Calendar Item. Classification Changes, Department of Forestry and Fire Protection

SUMMARY OF ISSUES: This makes minor revisions to the classification specification for Division Chief, California State Fire Marshal's Office.

BACKGROUND: The specification for Division Chief, California State Fire Marshal's Office, currently allows experience with the State Fire Marshal's Office performing supervisory or lead duties of a class with the level of responsibility equivalent to a Deputy State Fire Marshal III (Supervisor) or Deputy State Fire Marshal III (Specialist). This revision requests that the experience requirement of supervisory or lead duties be deleted from the minimum qualifications.

The revision will enhance recruitment by allowing individuals in off-site locations who do not have lead responsibilities but are responsible for a statewide program to meet the minimum qualifications for the class of Division Chief, California State Fire Marshal's Office, and enable them to compete in the civil service examination process.

The revision also makes minor revisions to reflect the current Equal Employment Opportunity and Felony Disqualification language.

RECOMMENDED CHANGE: That the proposed revised specification for Division Chief, California State Fire Marshal's Office, be adopted.

As a courtesy, the Association of California State Supervisors and the California Association of Managers and Supervisors have been informed.

Enclosure: (Proposed Specification)

APPROVAL

(Below To Be Completed by SPB Staff)

SPB Staff Signature: *Karen Coffey*
Title: *CEA#*
Effective Date: *3/11/04*

(SPB Staff: Send Original Approved Staff Item to DPA Pay Letter Coordinator, Susan Salata.)

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: VY60
Class Code: 8966
Established: 1931
Revised: 9/12/90
Title Changed: 9/12/90

DIVISION CHIEF, CALIFORNIA STATE FIRE MARSHAL'S OFFICEDEFINITION

Under general direction, in the California State Fire Marshal's Office, plan, organize, and direct the activities of a region responsible for the field enforcement and engineering work; or in headquarters, to be responsible for one or more of the Department's statewide programs; and to do other related work.

TYPICAL TASKS

Plan, organize, and direct the fire protection, law enforcement, and administrative work performed by California State Fire Marshal's peace officer and non-peace officer personnel; implement and enforce the Department's laws, rules, regulations, policies, and procedures; implement, monitor, and evaluate policies to ensure compliance; make independent judgments to enlarge or narrow policy applications beyond standard operational procedures to assure mission attainment; secure, train, and evaluate the performance of staff and take or recommend appropriate action; serve as second level reviewer on grievances; coordinate the work of the division with other California State Fire Marshal's Office divisions, State Departments, Federal Government, fire and law enforcement authorities, local jurisdictions, and industry representatives; ~~conducts~~ conduct meetings, conferences, and training sessions; serve as chair or staff for various advisory committees; prepare material for, and testify before, administrative, judicial, and legislative hearings, including Congressional hearings; initiate, prepare, and/or analyze legislative or regulatory proposals for State and program impact; assist in the preparation of legal actions; prepare and/or review technical articles for publications; prepare workload and related personnel, fiscal, management, and systems analyses; develop annual divisional goals and objectives; research and develop budget change proposals; represent the State Fire Marshal at meetings; enforce fire protection and safety codes; review and evaluate fire safety codes and standards analyses; investigate complaints (may personally conduct informal or formal hearings when necessary to obtain compliance with fire and life safety standards); review architectural drawings and specifications; conduct facility inspections; conduct inspection of interstate and intrastate hazardous liquid pipelines for public safety and pipeline operators' activities for compliance with State and Federal requirements; conduct

hydrostatic testing of pipelines; provide emergency response to, and investigations of, pipeline accidents; review and approve the lifting and licensing of fire safety products, building materials and furnishings, fire protection and extinguishing systems, and fireworks; review and approve laboratory ~~analysis~~ analyses of flame retardant fabrics, chemicals, and explosive materials; develop and certify fire service and staff training programs; develop regulations; review legislative bill analysis; provide a fire safety awareness, education, and information program; and develop fire protection information systems and data management.

MINIMUM QUALIFICATIONS

Either I

Experience: Two years of experience with the ~~California State Fire Marshal's Office~~ Department of Forestry and Fire Protection performing ~~supervisory or lead~~ duties of a class with a level of responsibility equivalent to a Deputy State Fire Marshal III (Supervisor) or Deputy State Fire Marshal III (Specialist).

Or II

Experience: Four years of experience in a supervisory or managerial capacity in professional engineering, fire protection, fire and life safety regulatory development, and/or legislative bill analysis and advocacy, fire protection engineering, fire service training/development, hazardous liquid pipeline safety, law enforcement, criminal justice administration, or fire protection information systems development work. and

Education: Equivalent to graduation from college with major work in public administration, fire service administration, fire protection and technology, fire protection engineering, architecture, law enforcement, or criminal justice administration. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

Knowledge of: Principles and practices of modern public administration and management, including those relating to program planning and evaluation, organizational planning, fiscal management, personnel management, employee-employer relations, information system development and management, staff development and motivations, delegation, budgeting, executive decision making, and public relations; informal and formal legislative and regulatory process; California State Government organization and functions; programs, policies, and problems of the various governmental and private organizations concerned with fire protection development in California; fire safety awareness, education and information programs; State laws, rules, regulations, policies, and programs related to the

California State Fire Marshal's Office, the California Pipeline Safety Act, as amended, the Federal Hazardous Liquid Pipeline Safety Act, as amended, and the California Penal Code; modern fire protection principles and practices; provisions of nationally recognized fire protection standards; fundamentals of engineering as applied to fire protection work; principles of combustion and causes of fires; modern methods and equipment for fire prevention and control; general building and hazardous liquid pipeline construction; hydrostatic testing process; records audit procedures; criminal and civil investigation techniques; rules of evidence and administrative and/or court procedures; curricula development, delivery, and certification techniques; fire data information management; ~~the Department's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action goals and objectives~~ a manager's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Provide effective administrative leadership to accomplish the basic functions and objectives of the division; effectively and efficiently plan, develop, direct, control, and evaluate the work of assigned programs and personnel; train and supervise subordinates; interpret and apply the laws, regulations, rules, and policies relating to the programs of the California State Fire Marshal's Office; communicate effectively; gain the confidence and support of top management and advise them on fire protection and divisional matters; perceive the alternatives available in the solution of management problems and select logical and realistic courses of actions; develop cooperative working relationships with managers, employees, and representatives at all levels of other governmental jurisdictions, industry, and the general public contacted in the work; prepare well written and documented procedures, reports, correspondence, and technical articles for publication; ~~effectively contribute to the Department's affirmative action objectives and~~ effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

Willingness to work throughout the State, at nights, and weekends; ~~a good driving record and possession of a valid California driver's license may be required at the time of appointment.~~

and

Use of "hard" drugs (e.g., heroin, cocaine, or hallucinogenic) at any time as an adult constitutes a basis for disqualification from peace officer examinations.

ADDITIONAL DESIRABLE QUALIFICATIONS

a good driving record and possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles may be required at the time of appointment.

FELONY DISQUALIFICATION

Existing law provides that persons convicted of a felony are disqualified from employment as peace officers. Such persons are not eligible to compete for, or be appointed to, positions in this class Pursuant to Government Code Section 1029, persons convicted of a felony are disqualified from employment as peace officers except as provided under Welfare and Institutions Code, Division 2, Chapter 3, Article 8, Section 1179(b), or Division 2.5, Chapter 1, Article 4, Section 1772(b). Except as provided for by these statutes, persons convicted of a felony are not eligible to compete for, or be appointed to, positions in this class.

BACKGROUND INVESTIGATION

Pursuant to Government Code Sections 1029.1 and Section 1031 (d), all persons successful in an examination for this classification peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons who have previously undergone a Department of Forestry and Fire Protection background investigation may be required to undergo an additional background investigation.

CITIZENSHIP REQUIREMENTS

Existing law provides that peace officers Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. citizen or be a permanent resident alien who is eligible for and has applied for U.S. citizenship at least one year prior to the final file date for an examination for this classification. The one year requirement does not apply to permanent resident aliens who have applied for peace officer classes prior to their 19th birthday. Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his/her application for citizenship is denied.

AGE REQUIREMENT

Existing law provides that a peace officer must be at least 18 years of age at the time of appointment.

EDUCATION REQUIREMENT

Existing law provides that a peace officer must ~~be a high school graduate or have passed the General Education Development (GED) test indicating high school graduation equivalency~~ be a high school graduate, pass the General Education Development (GED) Test indicating high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year or four-year degree from an accredited college or university.